

rates to those prohibited in Policy 103.1.1 (they generate more than 100 trips per 1000 square feet per day). In order to implement the changes proposed in the master plan, this policy must be deleted.

**Staff recommendation:** Delete Policy 103.1.1.

**Policy 103.1.1**

~~The purpose of this policy is to insure the long term viability of the Key deer by directing development away from those areas necessary to protect the Key deer habitat from the impacts of development. It is recognized that the viability of the endangered Key deer depends on the control of both direct (primary) and indirect (secondary) impacts resulting from development. Development on Big Pine Key and No Name Key may be allowed only in accordance with the permit allocation system. In order to protect the amount and quality of habitat areas necessary to promote the recovery of the Key deer, single family housing units and mobile home units shall not exceed eight (8) per year, including affordable housing units. Non residential development shall not exceed 239 square feet for each new residential unit permitted under the permit allocation system. Monroe County shall deny approval of any public or private non residential development proposed for Big Pine Key or No Name Key if the development would generate more than 100 trips per 1000 square feet per day or attract more than 25 vehicular trips per 1000 square feet per day or a total of 100 vehicular trips per day from beyond Big Pine Key or No Name Key. However, redevelopment and development activities which do not generate new vehicular trips and do not result in loss of habitat shall not be prohibited by this policy. In order to protect the accessibility to the Key deer of all areas within their range which are required to meet all of their life cycle and genetic need, the units shall be directed away from Key deer corridors by application of the point criteria in Policies 101.5.4(8) and 101.5.5(7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

**Amendment # 8**

Policy 103.1.2 directs the county to replace the ACCC (Area of Critical County Concern) designation with zoning designations consistent with the categories shown on the Future Land Use Map (FLUM). Each of these changes are outlined in Action Item 2.1.3 which also specifically states that Policy 103.1.2 should be deleted. These changes will be reflected in a new zoning map to be adopted by the BOCC.

**Staff recommendation:** Delete Policy 103.1.2.

**Policy 103.1.2**

~~By January 4, 1997, Monroe County shall adopt Land Development Regulations which replace the existing ACCC zoning designation on all parcels within that area of Big Pine Key formerly described as the ACCC in the 1986 version of the Comprehensive Plan and Land Development Regulations with zoning categories consistent with the land use categories shown on the Future Land Use Map. These land use categories are based on natural resource constraints as well as the degree of existing improvement as described below:~~

- ~~1. all subdivisions currently designated IS (ACCC), within which improvements are in place and which are substantially developed or disturbed (i.e., Port Pine Heights, Eden Pines~~

~~Colony, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Medium land use category;~~

- ~~2. all subdivisions currently designated SS (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Heights, Pine Ridge, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Low land use category;~~
- ~~3. all subdivisions currently designated (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Key Acres and the western portion of Palm Villa within the ACCC), shall be assigned a zoning category consistent with the Residential Low land use category;~~
- ~~4. all other subdivisions currently designated (ACCC) but within which there is little or no disturbance or development (i.e., Sea View, Pine Grove, and Pine Crest), shall be assigned a zoning category consistent with the Residential Conservation land use category; and~~
- ~~5. all unplatted, unsubdivided land will be assigned a zoning category consistent with the Residential Conservation land use category.~~

~~These land use categories are consistent with the natural resource value of these lands. All potential development, regardless of the underlying maximum permitted densities, will be subject to all federal, state and local regulations.~~

#### **Amendment # 9**

Policy 103.1.7 requires the county to initiate a land management program with other government agencies for private and county owned lands within and adjacent to state and federal owned conservation projects. Strategy 10.2 and the associated action items outline a program for lands acquired for conservation purposes by the county in order to fulfill the mandates set forth in the HCP which require a 3:1 mitigation to development ratio. The action items include offering lands acquired for conservation to the FWS for management, formulating management objectives for specific habitats, restoration of lands to improve Key deer habitat, and reporting as required by the HCP.

**Staff recommendation:** Delete Policy 103.1.7.

#### **Policy 103.1.7**

~~Upon adoption of the Comprehensive Plan, Monroe County shall initiate a cooperative land management planning program for private and county owned lands located within and adjacent to state and federal government owned parks and conservation lands which are in or affected by land uses on Big Pine Key and No Name Key, including:~~

- ~~1. National Key Deer Refuge;~~
- ~~2. Save Our Rivers/Big Pine Key Wetlands Slough Project;~~
- ~~3. Coupon Bight/Key Deer CARL Project; and~~

4. ~~Coupon Bight State Aquatic Preserve.~~

~~Monroe County shall complete these planning efforts and implement the land management plans by January 4, 1998. (See Objective 102.9 and related policies.) [9J-5.006(3)(e)6]~~

**Amendment # 10**

Policy 103.1.8 requires that upon the adoption of the Comprehensive Plan, the Habitat Evaluation Index (HEI) in the Land Development Regulations shall be revised to incorporate greater consideration for the habitat of species of special status, including the Key deer. The required changes have been completed and were adopted as a part of the LDR's in 1999 and will not be effected by the LCP master plan.

**Staff recommendation:** Delete Policy 103.1.8.

**Policy 103.1.8**

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the Key deer. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(e)3]~~

**Amendment # 11**

Policy 103.1.9 mandates that the county revise the Land Development Regulations to require the 'clustering' of development to avoid the fragmentation of Key deer habitat. This requirement has been fulfilled and clustering is required under Section 9.5-345(f) of the LDRs. Clustering is supported within the master plan through limits placed on development in Tier I lands.

**Staff recommendation:** Delete Policy 103.1.9.

**Policy 103.1.9**

~~By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to development siting and clustering so as to avoid the consumption and fragmentation of Key deer habitat by requiring the following:~~

1. ~~when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and~~
2. ~~development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3.) [9J-5.013(2)(e)3]~~

### **Amendment # 12**

The HCP modeled the development of new and expanded public facilities on Big Pine and found that if existing use were to expand and new uses were to be placed in scarified, Tier III areas there would be little or no impact to the endangered species overall, and the impact that would occur could be minimized and mitigated. Policy 103.1.10 requires a siting analysis for any new or significant expansion of public facilities on Big Pine which is to include:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

All three of these requirements have been met as a part of the HCP and LCP process and both documents explain where any new public facilities should be placed. Public facilities are directly addressed in Goal 6 (parks and recreation) and Goal 7 (other public facilities).

**Staff recommendation:** Delete Policy 103.1.10.

### **Policy 103.1.10**

~~Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities required to support development on Big Pine Key or No Name Key:~~

- ~~4. assessment of needs;~~
- ~~5. evaluation of alternative sites and design alternatives for the selected sites; and~~
- ~~6. assessment of impacts on surrounding land uses and natural resources.~~

~~The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas. Monroe County shall require that public facilities be developed consistent with the criteria described in Policy 103.1.1 and shall support whenever possible the location of public facilities off of Big Pine Key and No Name Key.~~

### **Amendment # 13**

One of the reasons the HCP was developed as part of a solution to relieve localized traffic constraints on Big Pine. Some improvements have been made by FDOT to U.S. 1 through Big Pine, including an intersection improvement project and re-timing of the traffic signal, and a proposed third lane will be completed after adoption of the HCP. Policy 103.1.11 requires the implementation of certain projects and the consideration of solutions to the traffic problem by FDOT, which will be completed after adoption of the HCP.

**Staff recommendation:** Delete Policy 103.1.11.

**Policy 103.1.11**

~~By January 4, 1998, Monroe County, in conjunction with FDOT, shall implement the following environmentally sensitive Transportation System Management (TSM) techniques to relieve localized traffic constraints on Big Pine Key:~~

- ~~1. — petition the FDOT to lower the US 1 daytime speed limit on Big Pine to 35 mph and to offset this impact on overall travel speeds by raising the speed limit elsewhere;~~
- ~~2. — re-time the traffic signal at the Key Deer Boulevard/US 1/Chapman Street intersection;~~
- ~~3. — request the FDOT to propose alternative solutions to assist in resolving the traffic problems on Big Pine Key. [9] 5.006(3)(c)3]~~

**Amendment # 14**

As a direct result of the HCP process, permanent traffic solutions have been address through the HCP analysis. Impacts have been addressed and many of the suggested projects are either completed or will be completed when the HCP is approved by USFWS. Results of the HCP process include the at-grade fencing along U.S. 1, Key deer underpasses, and the extension of the third lane on the west end of the island. Policy 103.1.12 requires a study to evaluate the different options for traffic circulation concurrency issues, which was part of the purpose of the HCP and the recommendations are included in the LCP as a part of Goal 15.

**Staff recommendation:** Delete Policy 103.1.12.

**Policy 103.1.12**

~~By January 4, 1998, Monroe County shall initiate a traffic engineering and environmental impact study to determine the feasibility, cost and environmental impacts of enhancing traffic capacity on Big Pine Key. This study will evaluate several alternatives to enhancing traffic capacity on US 1 in order to meet traffic circulation concurrency management constraints, including:~~

- ~~1. — a three-lane, at grade section;~~
- ~~2. — a roadway section with elevated roadways, frontage roads and Key deer underpasses;~~
- ~~3. — an at-grade roadway section with a fencing program along US 1 to control Key deer crossing;~~
- ~~4. — reducing the speed limit of US 1 on Big Pine Key; and~~
- ~~5. — adding traffic signals.~~

~~For each of these alternatives, the study shall evaluate the feasibility, costs, and effectiveness of each of the alternatives, as well as the associated environmental impacts which may threaten the~~

~~successful protection and recovery of the Key deer. The environmental impacts to be evaluated will, at a minimum, include the potential for:~~

- ~~1. increased Key deer road kills;~~
- ~~2. secondary development (i.e., increased development potential) and associated loss of habitat and increased vehicular traffic; and~~
- ~~3. disruption of natural Key deer behaviors, including breeding and seasonal migration patterns.~~

~~No additional through traffic lanes on US 1 will occur without an overpass or other mitigating measure or design feature to ensure the successful protection and recovery of the Key deer.~~

#### **Amendment # 15**

Policy 103.1.14 discourages tour groups on Big Pine in order to reduce the traffic and illegal feeding of the Key deer population. The language of this policy is reflected in Action Item 12.1.5.

**Staff recommendation:** Delete Policy 103.1.14.

#### **Policy 103.1.14**

~~Monroe County shall discourage tour groups on Big Pine Key. (See Conservation and Coastal Management Policy 207.7.7.) [9J 5.012(3)(c)1; 9J 5.013(2)(c)5 and 6]~~

#### **Amendment # 16**

Policy 103.1.15 requires the county to restore, where practicable, disturbed wetland and upland native vegetation in order to improve Key deer habitat. The policy has been duplicated in Action Item 10.2.6.

**Staff recommendation:** Delete Policy 103.1.15.

#### **Policy 103.1.15**

~~Monroe County shall restore, where practicable, disrupted wetland and native upland vegetation systems on County-owned public lands on Big Pine Key and No Name Key in order to improve Key deer habitat. (See Conservation and Coastal Management Goal 210 and related objectives and policies.) [9J 5.012(3)(a); 9J 5.013(2)(a)]~~

#### **Amendment # 17**

Policy 207.7.5 requires the county to identify the freshwater lens system on Big Pine and the associated keys and implement special measure to protect the system. Goal 11 specifically addresses the freshwater system and proposes protective mechanisms, most of which are already in place.

**Staff recommendation:** Delete Policy 207.7.5.

#### **Policy 207.7.5**

~~By January 4, 1998, Monroe County shall identify the freshwater lens systems and associated recharge areas on Big Pine Key and adjacent keys. Special measures shall be implemented to protect~~

~~the quantity and quality of groundwater recharge to the freshwater lenses. (See Natural Groundwater Aquifer Recharge Element Objective 1101.2 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

**Amendment # 18**

Policy 207.7 is similar to Policy 103.1.14 which discourages tour groups on Big Pine Key. This policy is addressed in Action Item 12.1.5.

**Staff recommendation:** Delete Policy 207.7.7.

**Policy 207.7.7**

~~By January 4, 1998, Monroe County shall initiate actions to discourage tour groups on Big Pine Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

**Amendment # 19**

Policy 207.7.9 states that "Monroe County shall incorporate specific management guidelines to protect Key deer (developed pursuant to Policy 207.2.3) as stipulations for land development orders for all development occurring on Big Pine and No Name Keys". Specific guidelines are outlined in both the HCP and the LCP for all development, not just development orders, on Big Pine and No Name Keys. Both documents describe a level of development that minimizes impacts on endangered species and requires mitigation where impacts do occur.

**Staff recommendation:** Delete Policy 207.7.9.

**Policy 207.7.9**

~~By January 4, 1998, Monroe County shall incorporate specific management guidelines to protect Key deer (developed pursuant to Policy 207.2.3) as stipulations for land development orders for all development occurring on Big Pine and No Name Keys. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

**Amendment # 20**

Policy 207.7.10 requires the county to adopt revisions to the LDRs which limit the area that may be enclosed by fencing so as not to interfere with Key deer movement. The LDRs were amended and Big Pine and No Name Keys have special fencing regulations described in Section 9.5-309(c).

**Staff recommendation:** Delete Policy 207.7.10.

**Policy 207.7.10**

~~By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to construction of fences on Big Pine Key. These shall limit fencing to the enclosure of the buildable area of a property to provide for Key deer circulation and to avoid hazardous conditions for children and Key deer. (9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6)~~

**Amendment # 21**

Both Policy 207.7.11 and Policy 207.7.17 require the county to work with the USFWS to develop roadside management techniques to reduce deer-vehicle collisions, illegal deer feeding, and increased visibility. Roadside management techniques are required in Action Item 15.2.2 of the master plan.

**Staff recommendation:** Delete Policy 207.7.11 and Policy 207.7.17.

**Policy 207.7.11**

~~Monroe County, in cooperation with the FWS, shall develop and implement roadside management techniques which allow greater visibility of Key deer and which decrease Key deer feeding on shoulders in high highway mortality areas on Big Pine Key. These techniques may include clearing and graveling of road shoulders along Key Deer Boulevard, Watson Boulevard, and Wilder Road. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 & 6]~~

**Policy 207.7.17**

~~Monroe County shall coordinate with FWS and FGFWFC to develop criteria to determine roadway management techniques to reduce vehicular deer collisions within the National Key Deer Refuge.~~



**PLANNING COMMISSION RESOLUTION #P01-04**

**PLANNING COMMISSION RESOLUTION NO. P01-04**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING **APPROVAL** TO THE BOARD OF COUNTY COMMISSIONERS OF A REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS A PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY.

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**WHEREAS**, at a regularly scheduled meeting on December 17<sup>th</sup>, the Monroe County Board of County Commissioners adopted the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key (referred to hereafter as the Master Plan) as the policy document to direct growth and development on Big Pine Key and No Name Key; and

**WHEREAS**, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20 which is to address community needs while balancing the needs of all of Monroe County; and

**WHEREAS**, the Master Plan was created in conjunction with the Habitat Conservation Plan (HCP), a mechanism required by the US Fish and Wildlife Service (USFWS) whereby the concerns and responsibilities of the various public agencies with regard to the conservation of the Key Deer and other covered species, and public and private development of Big Pine and No Name Keys can be coordinated; and

**WHEREAS**, many Objectives and Policies within the Year 2010 Comprehensive Plan specifically address the growth and development of Big Pine Key and No Name Key in order to protect the endangered species; and

**WHEREAS**, the HCP and the LCP process set forth much more comprehensive conservation and development plans that will allow development on the island and protection of the endangered species on the island; and

**WHEREAS**, many of the findings of both the HCP and the LCP conflict with Policies in the Year 2010 Plan and the plans may not be implemented until those comprehensive plan policies are amended; and

**WHEREAS**, many of the goals, strategies and action items within the Master Plan address specific policies within the Comprehensive Plan by either replacing or changing them; and

**WHEREAS**, as a part of these amendments, the Master Plan will be adopted as a part of the Comprehensive Plan, and therefore any conflicts between the two must be resolved; and

**WHEREAS**, as a part of the comprehensive LCP process, Future Land Use Map amendments are proposed to bring properties in conformity with the Master Plan and other guiding documents; and

**WHEREAS**, all of the proposed Comprehensive Plan and Future Land Use Map changes have been recommended by the Master Plan, as adopted on December 17<sup>th</sup>, 2003 and the adoption resolution states that the Future Land Use and Land Use District map changes would be brought before the commission at a subsequent hearing; and

**WHEREAS**, the proposed amendments were reviewed during a meeting on January 5, 2004 which was continued from December 29<sup>th</sup>, 2003 of the Development Review Committee; and

**WHEREAS**, during a regular meeting held on January 14, 2004, the Monroe County Planning Commission conducted a public hearing on the proposed text; and

**WHEREAS**, The Planning Commission was presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. The Staff Report prepared on December 29, 2003; by K. Marlene Conaway, Director, Planning and Environmental Resources,
2. Proposed changes to the Monroe County Year 2010 Comprehensive Plan and Future Land Use Map,
3. The sworn testimony of the Growth Management Staff,
4. Advice from John Wolfe, the Planning Commission Counsel; and
5. Comments by the public; and

**WHEREAS**, the Planning Commission has made the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates the county to complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Big Pine Key and No Name Key Master Plan is the first of the Livable CommuniKeys plans to be completed, and require implementation of the recommended Strategies and Action Items. The LCP Plan *itself* must be adopted as an amendment to and a part of the Year 2010 Comprehensive Plan. Policy 101.20.2 will provide a mechanism to recognize individual Master Plans as they are adopted by the BOCC as a part of the Comprehensive Plan, enabling the framework created within the plans to have the same standing as the Comprehensive plan; and
2. In order to maintain consistency between the different planning documents that pertain to Big Pine Key and No Name Key, the LCP Master Plan and the Habitat Conservation Plan (HCP)

must be included when considering future development, both public and private. On page 34 of the LCP, it is recommended that Objective 103.1 of the Comprehensive Plan be amended; and

3. Because the LCP master plan and the Habitat Conservation Plan create a three-tier system to direct growth to infill areas and away from areas that contain important native vegetation, sources of funding needs to be identified to purchase environmentally sensitive lands. The planning area contains a large amount of native habitat that is valuable to many of the endangered species which live there, and in order to permanently preserve it, it must be protected through public ownership. Page 60 of the master plan recommends encouraging the Department of Community Affairs (DCA) to find a dedicated funding source to acquire Tier I lands within the planning area for preservation purposes; and
4. Policy 101.6.5 ranks proposed acquisition lands according to three priorities, however it did not previously take into account the implementation of a Habitat Conservation Plan such as the one which has been drafted for Big Pine Key and No Name Key. Page 60 of the master plan recommends that consideration of the implementing the HCP should be a factor in the ranking of lands for acquisition purposes; and
5. Portions of the ROGO and NROGO system outlined in the Year 2010 Comprehensive Plan specifically mention Big Pine Key and No Name Key as areas which should receive additional negative points in both ROGO and NROGO. Because the master plan adopts a new ROGO system for only Big Pine and No Name Keys, those areas should be exempted from the current ROGO system; and
6. Policy 103.1.1 includes many elements that are replaced with the implementation of the LCP master plan, including a new limit on ROGO allocations to 10 per year for the next 20 years and the corresponding amount of non-residential floor area. The new ROGO system for Big Pine is described in Strategy 3.1 and Strategy 3.2 of the master plan and will be unique to the planning area. Non-residential floor area is limited to 47,800 square feet by Action Item 4.1.1 in the master plan which corresponds to 239 square feet for each residential planned for the next twenty years. The limit on vehicular trips set forth in Policy 103.1.1 is reflected in Action Item 4.1.8 which prohibits any new high intensity uses, which have corresponding trip generation rates to those prohibited in Policy 103.1.1 (they generate more than 100 trips per 1000 square feet per day); and
7. Policy 103.1.2 directs the county to replace the ACCC (Area of Critical County Concern) designation with zoning designations consistent with the categories shown on the Future Land Use Map (FLUM). Each of these changes are outlined in Action Item 2.1.3 which also specifically states that Policy 103.1.2 should be deleted. These changes will be reflected in a new zoning map to be adopted by the BOCC; and
8. Policy 103.1.7 requires the county to initiate a land management program with other government agencies for private and county owned lands within and adjacent to state and federal owned conservation projects. Strategy 10.2 and the associated action items outline a program for lands acquired for conservation purposes by the county in order to fulfill the

mandates set forth in the HCP which require a 3:1 mitigation to development ratio. The action items include offering lands acquired for conservation to the FWS for management, formulating management objectives for specific habitats, restoration of lands to improve Key deer habitat, and reporting as required by the HCP; and

9. Policy 103.1.8 requires that upon the adoption of the Comprehensive Plan, the Habitat Evaluation Index (HEI) in the Land Development Regulations shall be revised to incorporate greater consideration for the habitat of species of special status, including the Key deer. The required changes have been completed and were adopted as a part of the LDR's in 1999 and will not be effected by the LCP master plan; and
10. Policy 103.1.9 mandates that the county revise the Land Development Regulations to require the 'clustering' of development to avoid the fragmentation of Key deer habitat. This requirement has been fulfilled and clustering is required under Section 9.5-345(f) of the LDRs. Clustering is supported within the master plan through limits placed on development in Tier I lands; and
11. The HCP modeled the development of new and expanded public facilities on Big Pine and found that if existing use were to expand and new uses were to be placed in scarified, Tier III areas there would be little or no impact to the endangered species overall, and the impact that would occur could be minimized and mitigated. Policy 103.1.10 requires a siting analysis for any new or significant expansion of public facilities on Big Pine which is to include:
  1. assessment of needs;
  2. evaluation of alternative sites and design alternatives for the selected sites; and
  3. assessment of impacts on surrounding land uses and natural resources.

All three of these requirements have been met as a part of the HCP and LCP process and both documents explain where any new public facilities should be placed. Public facilities are directly addressed in Goal 6 (parks and recreation) and Goal 7 (other public facilities); and

12. One of the reasons the HCP was developed as part of a solution to relieve localized traffic constraints on Big Pine. Some improvements have been made by FDOT to U.S. 1 through Big Pine, including an intersection improvement project and re-timing of the traffic signal, and a proposed third lane will be completed after adoption of the HCP. Policy 103.1.11 requires the implementation of certain projects and the consideration of solutions to the traffic problem by FDOT, which will be completed after adoption of the HCP; and
13. As a direct result of the HCP process, permanent traffic solutions have been address through the HCP analysis. Impacts have been addressed and many of the suggested projects are either completed or will be completed when the HCP is approved by USFWS. Results of the HCP process include the at-grade fencing along U.S. 1, Key deer underpasses, and the extension of the third lane on the west end of the island. Policy 103.1.12 requires a study to evaluate the different options for traffic circulation concurrency issues, which was part of the purpose of the HCP and the recommendations are included in the LCP as a part of Goal 15; and

14. Policy 103.1.14 discourages tour groups on Big Pine in order to reduce the traffic and illegal feeding of the Key deer population. The language of this policy is reflected in Action Item 12.1.5; and
15. Policy 103.1.15 requires the county to restore, where practicable, disturbed wetland and upland native vegetation in order to improve Key deer habitat. The policy has been duplicated in Action Item 10.2.6; and
16. Policy 207.7.5 requires the county to identify the freshwater lens system on Big Pine and the associated keys and implement special measure to protect the system. Goal 11 specifically addresses the freshwater system and proposes protective mechanisms, most of which are already in place; and
17. Policy 207.7 is similar to Policy 103.1.14 which discourages tour groups on Big Pine Key. This policy is addressed in Action Item 12.1.5; and
18. Policy 207.7.9 states that "Monroe County shall incorporate specific management guidelines to protect Key deer (developed pursuant to Policy 207.2.3) as stipulations for land development orders for all development occurring on Big Pine and No Name Keys". Specific guidelines are outlined in both the HCP and the LCP for all development, not just development orders, on Big Pine and No Name Keys. Both documents describe a level of development that minimizes impacts on endangered species and requires mitigation where impacts do occur; and
19. Policy 207.7.10 requires the county to adopt revisions to the LDRs which limit the area that may be enclosed by fencing so as not to interfere with Key deer movement. The LDRs were amended and Big Pine and No Name Keys have special fencing regulations described in Section 9.5-309(c); and
20. Both Policy 207.7.11 and Policy 207.7.17 require the county to work with the USFWS to develop roadside management techniques to reduce deer-vehicle collisions, illegal deer feeding, and increased visibility. Roadside management techniques are required in Action Item 15.2.2 of the master plan; and
21. Both the HCP and the LCP encourage infill commercial development within the U.S. 1 corridor area on properties already scarified. The Future Land Use Map Change from Residential Conservation (RC) to Mixed Use Commercial (MC) of the properties described as Lots 21 and 22, Tropic Island Ranchettes is consistent with the Master Plan because the properties are scarified, have been used commercially since 1986, and are within the U.S. 1 corridor area, where development and redevelopment are directed and encouraged.
22. The HCP and the LCP require and provide mechanisms for the protection of the habitat of endangered species. Part of this protection is the designation of areas in Tier I which are to remain undeveloped or developed at the current level of development. The properties currently designated on the Future Land Use Map as Mixed Use Commercial (MC) are only

partially developed with residential uses, contain a large amount of native habitat, are located within Tier I, and are not within the main U.S. 1 corridor where further commercial development may occur. The properties to the south of the MC site are under public ownership, while properties to the north are single family residences with the FLUM designation of Residential Low (RL); and

**WHEREAS,** the Monroe County Planning Commission makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which addresses local needs while balancing the needs of all of Monroe County; and
2. The LCP Master Plan for Big Pine Key and No Name Key was created in conjunction with the Habitat Conservation Plan (HCP) and implements the HCP, both of which control development and conservation on the islands; and
3. The Master Plan was adopted as the policy document to direct growth and development on Big Pine Key and No Name Key; and
4. The Master Plan, as adopted, recommends the amendments proposed by this ordinance in order to avoid conflicts with existing Objectives and Policies and to enable the implementation of both the HCP and the LCP; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA,** that the preceding Findings of Fact support its decision to recommend **APPROVAL** to the Board of County Commissioners of the amendments to the Monroe County Year 2010 Comprehensive Plan as follows:

**Amendment 1.** Create Policy 101.20.2 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

**Policy 101.20.2**

The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, adopted December 17, 2003.

**Amendment 2.** Amend Objective 103.1 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

#### Objective 103.1

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, the Livable CommuniKeys Master Plan and the Habitat Conservation Plan, for Big Pine Key and No Name Key in order to:

- (a) protect the Key deer (*Odocoileus virginianus clavium*);
- (b) preserve and enhance the habitat of the Key deer;
- (c) limit the number of additional vehicular trips from other islands to Big Pine Key;
- (d) maintain the rural, suburban, and open space character of Big Pine Key; and
- (e) prevent and reduce adverse secondary and cumulative impacts on Key Deer.

[9J-5.006(3)(b)1 and 4]

**Amendment 3.** Amend Policy 101.6.4 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

#### **Policy 101.6.4**

The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County encourages the Department to work at the state level to create a dedicated acquisition fund for Tier I lands on Big Pine Key and No Name Key based on the results of the Carrying Capacity Study, the requirements of the incidental take permit and Habitat Conservation Plan and the Master Plan for Big Pine Key and No Name Key. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.

**Amendment 4.** Amend Policy 101.6.5 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

#### **Policy 101.6.5**

Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:

1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;



2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and
3. whether development on the property will adversely impact successful implementation of a Habitat Conservation Plan or protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.

Those lands considered most sensitive according to the combination of (a), (b), and (c). above shall be ranked as the highest priority for acquisition.

**Amendment 5.** Create Policy 101.5.11 and 101. 5. 11 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

**Policy 101.5.11**

Residential development on Big Pine Key and No Name Key will be subject to the allocation system set forth in Strategy 3.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key. The Land Development Regulations will be amended to include the point system as detailed in the Master Plan. Eligibility to compete within the allocation system will be based on the location of the proposed development with respect to the Tier System Overlay Map incorporated herein by reference.

**Policy 101.5.12**

Non-residential development on Big Pine Key and No Name Key New will be allocated pursuant to the following additional criteria:

1. Development must be infill in existing commercial areas in Tier 2 and Tier 3 lands, mainly along the U.S. 1 corridor on Big Pine Key.
2. All new non-residential development will be limited to disturbed or scarified lands.
3. New allocation awards shall be allowed to exceed 2,500 square feet per site if located within the designated Community Center Overlay as designated by Action Item 4.1.5.
4. New allocations shall be awarded moderate positive points to applicants who fulfill the additional criterion set forth in Strategy 4.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.

All new non-residential development within the planning area shall be exempt from criterion 5, 6, 7, and 17 of Policy 101.5.5.

**Amendment 6.** Delete the following Policies from the Monroe County Year 2010 Comprehensive Plan: 103.1.1, 103.1.2, 103.1.7, 103.1.8, 103.1.9, 103.1.10, 103.1.11, 103.1.12, 103.1.14, 103.1.15, 207.7.5, 207.7.7, 207.7.9, 207.7.10, 207.7.11, and 207.7.17.

**Amendment 7.** Change the Future Land Use Map Designation of the properties with the following real estate numbers: 00110460.000000, 00110540.000000, 00110640.000000, 00110720.000000, 00110720.000100, 00110730.000000, 00110740.000000, 00110750.000000, 00111020.000000, 00111020.000010, 00111020.000020, 00111020.000030, 00111020.000040

and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 1 from Mixed Use Commercial (MC) to Residential Low (RL).

**Amendment 8.** Change the Future Land Use Map Designation of the properties with the following real estate numbers: 00111420.000100 and 00111420.000500 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2 from Residential Conservation (RL) to Mixed Use Commercial (MC).

**PASSED AND ADOPTED** By the Planning Commission of Monroe County, Florida, at a regular meeting held on the 14th day of January, 2004.

Chair Lynn Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David C. Ritz	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_ day of \_\_\_\_\_, 2004.

**DEVELOPMENT REVIEW COMMITTEE  
RESOLUTION #D01-04**

**DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. d01-04**

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF A REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS A PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY.

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**WHEREAS**, at a regularly scheduled meeting on December 17<sup>th</sup>, the Monroe County Board of County Commissioners adopted the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key (referred to hereafter as the Master Plan) as the policy document to direct growth and development on Big Pine Key and No Name Key; and

**WHEREAS**, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20 which is to address community needs while balancing the needs of all of Monroe County; and

**WHEREAS**, the Master Plan was created in conjunction with the Habitat Conservation Plan (HCP), a mechanism required by the US Fish and Wildlife Service (USFWS) whereby the concerns and responsibilities of the various public agencies with regard to the conservation of the Key Deer and other covered species, and public and private development of Big Pine and No Name Keys can be coordinated; and

**WHEREAS**, many Objectives and Policies within the Year 2010 Comprehensive Plan specifically address the growth and development of Big Pine Key and No Name Key in order to protect the endangered species; and

**WHEREAS**, the HCP and the LCP process set forth much more comprehensive conservation and development plans that will allow development on the island and protection of the endangered species on the island; and

**WHEREAS**, many of the findings of both the HCP and the LCP conflict with Policies in the Year 2010 Plan and the plans may not be implemented until those comprehensive plan policies are amended; and

**WHEREAS**, many of the goals, strategies and action items within the Master Plan address specific policies within the Comprehensive Plan by either replacing or changing them; and

**WHEREAS**, as a part of these amendments, the Master Plan will be adopted as a part of the Comprehensive Plan, and therefore any conflicts between the two must be resolved; and

**WHEREAS**, as a part of the comprehensive LCP process, Future Land Use Map amendments are proposed to bring properties in conformity with the Master Plan and other guiding documents; and

**WHEREAS**, all of the proposed Comprehensive Plan and Future Land Use Map changes have been recommended by the Master Plan, as adopted on December 17<sup>th</sup>, 2003 and the adoption resolution states that the Future Land Use and Land Use District map changes would be brought before the commission at a subsequent hearing; and

**WHEREAS**, the proposed amendments were reviewed during a meeting on January 5, 2004 which was continued from December 29<sup>th</sup>, 2003 of the Development Review Committee; and

**WHEREAS**, The Development Review Committee was presented with the Staff Report prepared on December 29, 2003; by Robert Will, Senior Planner, which by reference is hereby incorporated as part of the record of said hearing:

**WHEREAS**, the Development Review Committee has made the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates the county to complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Big Pine Key and No Name Key Master Plan is the first of the Livable CommuniKeys plans to be completed, and require implementation of the recommended Strategies and Action Items. The LCP Plan *itself* must be adopted as an amendment to and a part of the Year 2010 Comprehensive Plan. Policy 101.20.2 will provide a mechanism to recognize individual Master Plans as they are adopted by the BOCC as a part of the Comprehensive Plan, enabling the framework created within the plans to have the same standing as the Comprehensive plan; and
2. In order to maintain consistency between the different planning documents that pertain to Big Pine Key and No Name Key, the LCP Master Plan and the Habitat Conservation Plan (HCP) must be included when considering future development, both public and private. On page 34 of the LCP, it is recommended that Objective 103.1 of the Comprehensive Plan be amended; and
3. Because the LCP master plan and the Habitat Conservation Plan create a three-tier system to direct growth to infill areas and away from areas that contain important native vegetation, sources of funding needs to be identified to purchase environmentally sensitive lands. The planning area contains a large amount of native habitat that is valuable to many of the endangered species which live there, and in order to permanently preserve it, it must be protected through public ownership. Page 60 of the master plan recommends encouraging the Department of Community Affairs (DCA) to find a dedicated funding source to acquire Tier I lands within the planning area for preservation purposes; and

4. Policy 101.6.5 ranks proposed acquisition lands according to three priorities, however it did not previously take into account the implementation of a Habitat Conservation Plan such as the one which has been drafted for Big Pine Key and No Name Key. Page 60 of the master plan recommends that consideration of the implementing the HCP should be a factor in the ranking of lands for acquisition purposes; and
5. Portions of the ROGO and NROGO system outlined in the Year 2010 Comprehensive Plan specifically mention Big Pine Key and No Name Key as areas which should receive additional negative points in both ROGO and NROGO. Because the master plan adopts a new ROGO system for only Big Pine and No Name Keys, those areas should be exempted from the current ROGO system; and
6. Policy 103.1.1 includes many elements that are replaced with the implementation of the LCP master plan, including a new limit on ROGO allocations to 10 per year for the next 20 years and the corresponding amount of non-residential floor area. The new ROGO system for Big Pine is described in Strategy 3.1 and Strategy 3.2 of the master plan and will be unique to the planning area. Non-residential floor area is limited to 47,800 square feet by Action Item 4.1.1 in the master plan which corresponds to 239 square feet for each residential planned for the next twenty years. The limit on vehicular trips set forth in Policy 103.1.1 is reflected in Action Item 4.1.8 which prohibits any new high intensity uses, which have corresponding trip generation rates to those prohibited in Policy 103.1.1 (they generate more than 100 trips per 1000 square feet per day); and
7. Policy 103.1.2 directs the county to replace the ACCC (Area of Critical County Concern) designation with zoning designations consistent with the categories shown on the Future Land Use Map (FLUM). Each of these changes are outlined in Action Item 2.1.3 which also specifically states that Policy 103.1.2 should be deleted. These changes will be reflected in a new zoning map to be adopted by the BOCC; and
8. Policy 103.1.7 requires the county to initiate a land management program with other government agencies for private and county owned lands within and adjacent to state and federal owned conservation projects. Strategy 10.2 and the associated action items outline a program for lands acquired for conservation purposes by the county in order to fulfill the mandates set forth in the HCP which require a 3:1 mitigation to development ratio. The action items include offering lands acquired for conservation to the FWS for management, formulating management objectives for specific habitats, restoration of lands to improve Key deer habitat, and reporting as required by the HCP; and
9. Policy 103.1.8 requires that upon the adoption of the Comprehensive Plan, the Habitat Evaluation Index (HEI) in the Land Development Regulations shall be revised to incorporate greater consideration for the habitat of species of special status, including the Key deer. The required changes have been completed and were adopted as a part of the LDR's in 1999 and will not be effected by the LCP master plan; and
10. Policy 103.1.9 mandates that the county revise the Land Development Regulations to require the 'clustering' of development to avoid the fragmentation of Key deer habitat. This

requirement has been fulfilled and clustering is required under Section 9.5-345(f) of the LDRs. Clustering is supported within the master plan through limits placed on development in Tier I lands; and

11. The HCP modeled the development of new and expanded public facilities on Big Pine and found that if existing use were to expand and new uses were to be placed in scarified, Tier III areas there would be little or no impact to the endangered species overall, and the impact that would occur could be minimized and mitigated. Policy 103.1.10 requires a siting analysis for any new or significant expansion of public facilities on Big Pine which is to include:
  1. assessment of needs;
  2. evaluation of alternative sites and design alternatives for the selected sites; and
  3. assessment of impacts on surrounding land uses and natural resources.

All three of these requirements have been met as a part of the HCP and LCP process and both documents explain where any new public facilities should be placed. Public facilities are directly addressed in Goal 6 (parks and recreation) and Goal 7 (other public facilities); and

12. One of the reasons the HCP was developed as part of a solution to relieve localized traffic constraints on Big Pine. Some improvements have been made by FDOT to U.S. 1 through Big Pine, including an intersection improvement project and re-timing of the traffic signal, and a proposed third lane will be completed after adoption of the HCP. Policy 103.1.11 requires the implementation of certain projects and the consideration of solutions to the traffic problem by FDOT, which will be completed after adoption of the HCP; and
13. As a direct result of the HCP process, permanent traffic solutions have been address through the HCP analysis. Impacts have been addressed and many of the suggested projects are either completed or will be completed when the HCP is approved by USFWS. Results of the HCP process include the at-grade fencing along U.S. 1, Key deer underpasses, and the extension of the third lane on the west end of the island. Policy 103.1.12 requires a study to evaluate the different options for traffic circulation concurrency issues, which was part of the purpose of the HCP and the recommendations are included in the LCP as a part of Goal 15; and
14. Policy 103.1.14 discourages tour groups on Big Pine in order to reduce the traffic and illegal feeding of the Key deer population. The language of this policy is reflected in Action Item 12.1.5; and
15. Policy 103.1.15 requires the county to restore, where practicable, disturbed wetland and upland native vegetation in order to improve Key deer habitat. The policy has been duplicated in Action Item 10.2.6; and
16. Policy 207.7.5 requires the county to identify the freshwater lens system on Big Pine and the associated keys and implement special measure to protect the system. Goal 11 specifically addresses the freshwater system and proposes protective mechanisms, most of which are already in place; and

17. Policy 207.7 is similar to Policy 103.1.14 which discourages tour groups on Big Pine Key. This policy is addressed in Action Item 12.1.5; and
18. Policy 207.7.9 states that "Monroe County shall incorporate specific management guidelines to protect Key deer (developed pursuant to Policy 207.2.3) as stipulations for land development orders for all development occurring on Big Pine and No Name Keys". Specific guidelines are outlined in both the HCP and the LCP for all development, not just development orders, on Big Pine and No Name Keys. Both documents describe a level of development that minimizes impacts on endangered species and requires mitigation where impacts do occur; and
19. Policy 207.7.10 requires the county to adopt revisions to the LDRs which limit the area that may be enclosed by fencing so as not to interfere with Key deer movement. The LDRs were amended and Big Pine and No Name Keys have special fencing regulations described in Section 9.5-309(c); and
20. Both Policy 207.7.11 and Policy 207.7.17 require the county to work with the USFWS to develop roadside management techniques to reduce deer-vehicle collisions, illegal deer feeding, and increased visibility. Roadside management techniques are required in Action Item 15.2.2 of the master plan; and
21. Both the HCP and the LCP encourage infill commercial development within the U.S. 1 corridor area on properties already scarified. The Future Land Use Map Change from Residential Conservation (RC) to Mixed Use Commercial (MC) of the properties described as Lots 21 and 22, Tropic Island Ranchettes is consistent with the Master Plan because the properties are scarified, have been used commercially since 1986, and are within the U.S. 1 corridor area, where development and redevelopment are directed and encouraged.
22. The HCP and the LCP require and provide mechanisms for the protection of the habitat of endangered species. Part of this protection is the designation of areas in Tier I which are to remain undeveloped or developed at the current level of development. The properties currently designated on the Future Land Use Map as Mixed Use Commercial (MC) are only partially developed with residential uses, contain a large amount of native habitat, are located within Tier I, and are not within the main U.S. 1 corridor where further commercial development may occur. The properties to the south of the MC site are under public ownership, while properties to the north are single family residences with the FLUM designation of Residential Low (RL); and

**WHEREAS**, the Monroe County Development Review Committee makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which addresses local needs while balancing the needs of all of Monroe County; and



2. The LCP Master Plan for Big Pine Key and No Name Key was created in conjunction with the Habitat Conservation Plan (HCP) and implements the HCP, both of which control development and conservation on the islands; and
3. The Master Plan was adopted as the policy document to direct growth and development on Big Pine Key and No Name Key; and
4. The Master Plan, as adopted, recommends the amendments proposed by this ordinance in order to avoid conflicts with existing Objectives and Policies and to enable the implementation of both the HCP and the LCP; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA,** that the preceding Findings of Fact support its decision to recommend **APPROVAL** to the Planning Commission of the amendments to the Monroe County Year 2010 Comprehensive Plan as follows:

**Amendment 1.** Create Policy 101.20.2 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

**Policy 101.20.2**

The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, adopted December 17, 2003.

**Amendment 2.** Amend Objective 103.1 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

**Objective 103.1**

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, the Livable CommuniKeys Master Plan and the Habitat Conservation Plan, for Big Pine Key and No Name Key in order to:

- (a) protect the Key deer (*Odocoileus virginianus clavium*);
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[9J-5.006(3)(b)1 and 4]

**Amendment 3.** Amend Policy 101.6.4 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

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The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County encourages the Department to work at the state level to create a dedicated acquisition fund for Tier I lands on Big Pine Key and No Name Key based on the results of the Carrying Capacity Study, the requirements of the incidental take permit and Habitat Conservation Plan and the Master Plan for Big Pine Key and No Name Key. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.

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**Amendment 5.** Create Policy 101.5.11 and 101. 5. 11 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

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**Policy 101.5.12**

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4. New allocations shall be awarded moderate positive points to applicants who fulfill the additional criterion set forth in Strategy 4.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.

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**Amendment 6.** Delete the following Policies from the Monroe County Year 2010 Comprehensive Plan: 103.1.1, 103.1.2, 103.1.7, 103.1.8, 103.1.9, 103.1.10, 103.1.11, 103.1.12, 103.1.14, 103.1.15, 207.7.5, 207.7.7, 207.7.9, 207.7.10, 207.7.11, and 207.7.17.

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**Amendment 8.** Change the Future Land Use Map Designation of the properties with the following real estate numbers: 00111420.000100 and 00111420.000500 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2 from Residential Conservation (RL) to Mixed Use Commercial (MC).

**PASSED AND ADOPTED** By the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 14th day of January, 2004.

Fred Gross, Director, Lower Keys Island Planning Team	<u>YES</u>
Ralph Gouldy, Senior Administrator, Environmental Resources	<u>YES</u>
Robert Will, Senior Planner	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Fred Gross, DRC Chair

Signed this \_\_\_\_ day of \_\_\_\_\_, 2004.